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10/578,372	08/04/2006	Takuji Maeda	P29896	8955
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EXAMINER KIHOSHINOODI, NADIA				
ART UNIT		PAPER NUMBER		
2437				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary

Application No.

10/578,372

Applicant(s)

MAEDA ET AL.

Examiner

NADIA KHOSHNOODI

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-32 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Abstract

The abstract of the disclosure is objected to because in lines 1-3, 5-13, and 15 references are made to various elements numbered in various figures. The numeral reference should be deleted. Correction is required. See MPEP § 608.01(b).

Information Disclosure Statement

The information disclosure statement filed 8/4/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Specifically, Examiner was unable to locate NPL documents 3-4 in the file and NPL document 12 was not translated to English.

Claim Objections

Claim 23 is objected to because of the following informalities: this claim states "a area..." where it should be "an area..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

- I. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- II. Claims 11, 24-25, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 11 and 32:

The terms "good" and "bad" in reference to blocks of memory on the medium in claims 11 and 32 are relative terms which render the claims indefinite. The terms "good" and "bad" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

As per claims 24-25:

Claims 24-25 recite the limitation "the other area" in line 4 (for claim 24) and line 11 (for claim 25), where it is unclear which 'other area' is specifically being referenced. There is insufficient antecedent basis for this limitation in the claim. In order for further treat these claims on their merits, Examiner presumes Applicants intended to refer to "the other areas" as claimed in various other dependent claims.

Claim Rejections - 35 USC § 102

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

IV. Claims 23-32 are rejected under 35 U.S.C. 102(c) as being fully anticipated by Hirota et al., US Patent No. 6,606,707.

As per claim 23:

Hirota et al. teach an area setting method comprising: receiving, from outside of the information recording medium, a command for requesting setting of area size of the information recording medium and specifying information about the area size of the information recording medium (col. 11, lines 6-10 and col. 13, lines 24-41); and setting area size of each area in the information recording medium based on a predetermined setting condition, according to the received command (col. 11, lines 11-23 and col. 13, lines 24-41).

As per claim 24:

Hirota et al. teach the area setting method according to claim 23. Furthermore, Hirota et al. teach the method including receiving the size of one area in the information recording medium from outside (col. 13, line 63 - col. 14, line 13), determining the size of the other area in the information recording medium on the basis of the received size of one area and the setting condition, and setting the size of each area in information recording medium on the basis of

received value and determined value (col. 14, lines 13-40).

As per claim 25:

Hirota et al. teach the area setting method according to claim 23. Furthermore, Hirota et al. teach wherein the information recording medium has an authentication area which allows access by the accessing device only when authentication is successful (col. 10, lines 21-23), and a non-authentication area which allows access by the accessing device regardless of the authentication result, and the non-authentication area and authentication area have plural areas respectively (col. 10, lines 23-25), and the area setting method includes: receiving the size of one area in one of the non-authentication area and the authentication area (col. 13, line 63 – col. 14, line 13); determining the size of the other area in the one of the non-authentication area and the authentication area on the basis of the received size and information about entire size of non-authentication area and authentication area; and setting the size of each area of the information recording medium on the basis of the received value and determined value (col. 14, lines 13-40).

As per claim 26:

Hirota et al. teach the area setting method according to claim 23. Furthermore, Hirota et al. teaches wherein the information recording medium has an authentication area which allows access by the accessing device only when authentication is successful (col. 10, lines 23-25), and a non-authentication area which allows access by the accessing device regardless of the authentication result, and the non-authentication area and authentication area have plural areas respectively (col. 10, lines 21-23), and the area setting method includes: storing size of area in the non-authentication area and information about the ratio of size of area in the non-authentication area to size of the corresponding area in the authentication area, as a setting

condition (col. 13, lines 55-63); receiving the size of one area in one of the non-authentication area and the authentication area (col. 13, line 63 – col. 14, line 13); determining the size of each area of the non-authentication area and the authentication area on the basis of the received size of one area and the ratio; and setting the size of each area of the information recording medium on the basis of the received value and determined value (col. 14, lines 13-40).

As per claim 27:

Hirota et al. teach the area setting method according to claim 23. Furthermore, Hirota et al. teach wherein the information recording medium has an authentication area which allows access by the accessing device only when authentication is successful (col. 10, lines 23-25), and a non-authentication area which allows access by the accessing device regardless of the authentication result, and the non-authentication area and authentication area have plural areas respectively (col. 10, lines 21-23), and the area setting method includes: storing size of area in the non-authentication area and information about the ratio of size of area in the non-authentication area to size of the corresponding area in the authentication area, as a setting condition (col. 13, lines 24-41); receiving the size of each area in one of the non-authentication area and the authentication area; determining the size of each area of the non-authentication area and the authentication area on the basis of the received size of each area and the ratio (col. 13, line 63 – col. 14, line 13); and setting the size of each area of the information recording medium on the basis of the received value and determined value (col. 14, lines 13-40).

As per claim 28:

Hirota et al. teach the area setting method of information recording medium according to claim 23. Furthermore, Hirota et al. teach wherein the information recording medium has an

authentication area which allows access by the accessing device only when authentication is successful (col. 10, lines 23-25), and a non-authentication area which allows access by the accessing device regardless of the authentication result, and the non-authentication area and authentication area have plural areas respectively (col. 10, lines 21-23), and the area setting method includes: receiving the size of each area in one of the non-authentication area and the authentication area (col. 13, lines 24-41 and col. 13, line 63 - col. 14, line 13); calculating composition ratio of each area to the non-authentication area or authentication area from the received size of each area (col. 14, lines 13-40); determining the size of each area in the other of the non-authentication area and the authentication area on the basis of the composition ratio, and setting the size of each area of the information recording medium on the basis of the received value and determined value (col. 14, lines 13-40).

As per claim 29:

Hirota et al. teach the area setting method according to claim 23. Furthermore, Hirota et al. teach wherein the information recording medium has an authentication area which allows access by the accessing device only when authentication is successful (col. 10, lines 23-25), and a non-authentication area which allows access by the accessing device regardless of the authentication result (col. 10, lines 21-23), and stores plural combinations of each area size of the non-authentication area and the authentication area (col. 13, lines 24-41), the area setting method includes: receiving specific information for selecting one combination, selecting one combination from stored combinations according to the received specific information, and setting each area size of the information recording medium according to the selected

combination (col. 13, line 63 - col. 14, line 13 and col. 14, lines 13-40).

As per claim 30:

Hirota et al. teach the area setting method according to claim 23. Furthermore, Hirota et al. teach wherein the information recording medium has an authentication area which allows access by the accessing device only when authentication is successful (col. 10, lines 23-25), and a non-authentication area which allows access by the accessing device regardless of the authentication result, and the non-authentication area and authentication area have plural areas respectively (col. 10, lines 21-23), and the area setting method includes: receiving the entire size of at least one of the non-authentication area and the authentication area, and setting the entire size of the non-authentication area and the authentication area on the basis of the received entire size (col. 13, line 63 - col. 14, line 13 and col. 14, line 13-40).

As per claim 31:

Hirota et al. teach the area setting method according to claim 23. Furthermore, Hirota et al. teach wherein discrete values are allowed as the size of each area to be set (col. 13, lines 24-47).

As per claim 32:

Hirota et al. teach the area setting method according to claim 23. Furthermore, Hirota et al. teach wherein the size of each area in the information recording medium is set to be larger than the total size of bad blocks, in which the number of bad blocks are calculated from a good block rate and entire size of the information recording medium or size of each area of the information recording medium (col. 13, lines 24-41).

Claim Rejections - 35 USC § 103

V. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

VI. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota et al., US Patent No. 6,606,707 and further in view of Orcutt, US Patent No. 6,377,958.

As per claim 1:

Hirota et al. substantially teach an information recording medium comprising: a storage device operable to store data (col. 9, lines 19-22) and having plural areas to be managed by an independent file system (col. 10, lines 16-21); an area information storage section operable to store information about size and position of each area of the storage device (col. 21, lines 15-37); a host interface operable to receive a command for setting size of each area of the storage device from the accessing device (col. 11, lines 6-10); and an area size setting section operable to set size and position of each area of the storage device, wherein the area size setting section sets the area size of each area in the storage device based on a predetermined setting condition according to the command received from the accessing device (col. 11, lines 11-23 and col. 13, lines 24-41).

Not explicitly disclosed is a storage device operable to be managed by plural independent file systems. However, Orcutt teaches that multiple file systems may be used within a partitioned storage space, where the file system manager is independent and controls accessed to the storage based on the file system type (col. 5, lines 1-6 and 27-50). Therefore, it would have been

obvious to a person in the art at the time the invention was made to modify the device disclosed in Hirota et al. to expand the independent file system manager to control accesses to multiple file systems used in the storage card. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Orcutt suggests in order to provide for accesses to multiple file systems, the client requests access as known and a conversion process takes place within the file system manager to simplify the process of accessing data stored with different file system formats in col. 5, lines 27-50.

As per claim 2:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 1. Furthermore, Hirota et al. teach wherein the host interface receives the size of one area in the storage device, from the accessing device (col. 13, line 63 - col. 14, line 13), and the area size setting section determines the size of the other areas in the storage device on the basis of the received size of the one area and the setting condition, and sets information stored in the area information storage section, on the basis of the received value and the determined value (col. 14, lines 13-40).

As per claim 3:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 1. Furthermore, Hirota et al. teach the medium further comprising: an authentication controller operable to authenticate the accessing device (col. 10, lines 43-49), wherein the storage device has an authentication area which allows access from the accessing device only when authentication is successful by the authentication controller (col. 10, lines 21-23), and a

non-authentication area which allows access from the accessing device regardless of the authentication result by the authentication controller (col. 10, lines 23-25), and the non-authentication area and authentication area individually have plural areas, and each area in the non-authentication area have the corresponding area in the authentication area (col. 10, lines 18-31).

As per claim 4:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 3. Furthermore, Hirota et al. teach wherein information about entire sizes of the non-authentication area and the authentication area is stored as the setting condition (col. 13, lines 24-41); the host interface receives the size of one area in the non-authentication area or authentication area from the accessing device (col. 13, line 63 – col. 14, line 13); and the area size setting section determines the size of the other area in the non-authentication area or authentication area on the basis of the received size and setting condition, and sets the information to be stored in the area information storage section on the basis of the received value and determined value (col. 14, lines 13-40).

As per claim 5:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 3. Furthermore, Hirota et al. teach wherein information about a ratio of size of an area included in the non-authentication area to size of the corresponding area included in the authentication area is stored as the setting condition (col. 13, lines 55-63), the host interface receives the size of one area in the non-authentication area or authentication area from the accessing device (col. 13, line 63 - col. 14, line 13), and the area size setting section determines

the size of each area in the non-authentication area and authentication area on the basis of the received size of one area and the ratio, and sets the information to be stored in the area information storage section on the basis of the received value and determined value (col. 14, lines 13-40).

As per claim 6:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 3. Furthermore, Hirota et al. teach wherein information about a ratio of size of an area included in the non-authentication area to size of the corresponding area included in the authentication area is stored as the setting condition (col. 13, lines 24-41), the host interface receives the size of each area in the non-authentication area or authentication area from the accessing device (col. 13, line 63 – col. 14, line 13), and the area size setting section determines the size of each area in the non-authentication area and authentication area on the basis of the received size of each area and the ratio, and sets the information to be stored in the area information storage section on the basis of the received value and determined value (col. 14, lines 13-40).

As per claim 7:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 3. Furthermore, Hirota et al. teach wherein the setting condition is a composition ratio of each area in the non-authentication area or the authentication area (col. 13, lines 24-41), the host interface receives the size of each area in one of the non-authentication area and authentication area from the accessing device (col. 13, line 63 -col. 14, line 13), and the area size setting section calculates the composition ratio from the received area size, determines the size of

each area in the other of the non-authentication area and authentication area on the basis of the composition ratio, and sets the information to be stored in the area information storage section according to the received value and determined value (col. 14, lines 13-40).

As per claim 8:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 3. Furthermore, Hirota et al. teach wherein the area information storage section stores plural combinations of sizes of areas included in the non-authentication area and authentication area (col. 13, lines 24-41), the host interface receives a specifying information indicating one combination, from the accessing device (col. 13, line 63 - col. 14, line 13), and the area size setting section selects the one combination in the area information storage section according to the received specifying information, and sets the size of each area in the non-authentication area and authentication area according to the selected combination (col. 14, lines 13-40).

As per claim 9:

Hirota et al. teach the information recording medium according to claim 3. Furthermore, Hirota et al. teach wherein the host interface receives the entire size of at least one of the non-authentication area and authentication area from the accessing device (col. 13, lines 24-35), and the area size setting section sets the entire size of the non-authentication area and authentication area on the basis of the received entire size (col. 13, lines 35-41).

As per claim 10:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 1. Furthermore, Hirota et al. teach wherein the area size setting section allows only

discrete value for an area size that can be set by the accessing device (col. 13, lines 24-41).

As per claim 11:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 1. Furthermore, Hirota et al. teach wherein the area size setting section sets the size of each area of the storage device to be larger than the total size of bad blocks which is calculated by the entire size or each area size of the storage device and a rate of good blocks (col. 13, lines 24-47).

As per claim 12:

Hirota et al. and Orcutt substantially teach the information recording medium according to claim 3. Furthermore, Hirota et al. teach wherein the size of m areas included in the authentication area, and the size of n areas included in the non-authentication area (m and n are integers of 0 or more, $m+n \geq 2$) are fixed size (col. 13, lines 24-41).

As per claim 13:

Hirota et al. substantially teach an accessing device comprising: a slot operable to load the information recording medium (col. 7, lines 52-56); and a file system controller operable to control a file system established on the information recording medium loaded in the slot (col. 9, lines 19-22); wherein the file system controller transmits a command for requesting area size setting to the information recording medium to set the size of each area in the information recording medium, while specifying information about the size of area in the information recording medium (col. 11, lines 6-23 and col. 13, lines 24-41).

Not explicitly disclosed is a storage device operable to be managed by plural independent file systems. However, Orcutt teaches that multiple file systems may be used within a partitioned

storage space, where the file system manager is independent and controls accessed to the storage based on the file system type (col. 5, lines 1-6 and 27-50). Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the device disclosed in Hirota et al. to expand the independent file system manager to control accesses to multiple file systems used in the storage card. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since Orcutt suggests in order to provide for accesses to multiple file systems, the client requests access as known and a conversion process takes place within the file system manager to simplify the process of accessing data stored with different file system formats in col. 5, lines 27-50.

As per claim 14:

Hirota et al. and Orcutt substantially teach the accessing device according to claim 13. Furthermore, Hirota et al. teach wherein the file system controller specifies the size of one area in the information recording medium in order to set the size of each area in the information recording medium (col. 11, lines 11-23).

As per claim 15:

Hirota et al. and Orcutt substantially teach the accessing device according to claim 13. Furthermore, Hirota et al. teach wherein, when the information recording medium has an authentication area which allows access only when authentication is successful (col. 10, lines 21-23) and a non-authentication area which allows access regardless of authentication result, the non-authentication area and authentication area having plural areas respectively (col. 10, lines 23-25), the information recording medium stores information about entire sizes of the non-

authentication area and the authentication area, as the setting condition to set each size of the plural areas (col. 21, lines 16-37), in order to set the size of each area of the information recording medium, the file system controller specifies the size of one area in either one of the non-authentication area and authentication area, to the information recording medium (col. 11, lines 11-23 and col. 13, lines 24-41).

As per claim 16:

Hirota et al. and Orcutt substantially teach the accessing device according to claim 13. Furthermore, Hirota et al. teach wherein, when the information recording medium has an authentication area which allows access only when authentication is successful (col. 10, lines 21-23) and a non-authentication area which allows access regardless of authentication result, the non-authentication area and authentication area having plural areas respectively (col. 10, lines 23-25), the information recording medium stores information about a ratio of size of an area included in the non-authentication area to size of the corresponding area included in the authentication area is stored as the setting condition to set each size of the plural areas (col. 13, lines 24-41), in order to set the size of each area of the information recording medium, the file system controller specifies the size of one area in either one of the non-authentication area and authentication area, to the information recording medium (col. 13, line 63 – col. 14, line 13).

As per claim 17:

Hirota et al. and Orcutt substantially teach the accessing device according to claim 13. Furthermore, Hirota et al. teach wherein, when the information recording medium has an authentication area which allows access only when authentication is successful (col. 10, lines 21-23) and a non-authentication area which allows access regardless of authentication result, the

non-authentication area and authentication area having plural areas respectively (col. 10, lines 23-25), the information recording medium stores information about a ratio of size of an area included in the non-authentication area to size of the corresponding area included in the authentication area is stored as the setting condition to set each size of the plural areas (col. 13 lines 55-63), in order to set the size of each area of the information recording medium, the file system controller specifies the size of each area in either one of the non-authentication area and authentication area, to the information recording medium (col. 14, lines 13-40).

As per claim 18:

Hirota et al. and Orcutt substantially teach the accessing device according to claim 13. Furthermore, Hirota et al. teach wherein, when the information recording medium has an authentication area which allows access only when authentication is successful (col. 10, lines 21-23) and a non-authentication area which allows access regardless of authentication result, the non-authentication area and authentication area having plural areas respectively (col. 10, lines 23-25), the setting condition to set each size of the plural areas is a composition ratio of each area in the non-authentication area or the authentication area, in order to set the size of each area of the information recording medium, the file system controller specifies the size of each area in either one of the non-authentication area and authentication area, to the information recording medium (col. 14, lines 13-40).

As per claim 19:

Hirota et al. and Orcutt substantially teach the accessing device according to claim 13. Furthermore, Hirota et al. teach wherein, when the information recording medium has an authentication area which allows access only when authentication is successful (col. 10, lines 21-

23) and a non-authentication area which allows access regardless of authentication result, and when the non-authentication area and authentication area have plural areas respectively (col. 10, lines 23-25) and plural combinations of size of each area of the non-authentication area and authentication area are stored, in order to set the size of each area of the information recording medium, the file system controller transmits information for selecting one combination from the plural combinations stored, to the information recording medium (col. 14, lines 13-40).

As per claim 20:

Hirota et al. and Orcutt substantially teach the accessing device according to claim 13. Furthermore, Hirota et al. teach wherein, when the information recording medium has an authentication area which allows access only when authentication is successful (col. 10, lines 21-23) and a non-authentication area which allows access regardless of authentication result, the non-authentication area and authentication area having plural areas respectively (col. 10, lines 23-25), in order to set the size of each area of information recording medium, the file system controller specifies the entire size of at least one of the non-authentication area and authentication area, to the information recording medium (col. 14, lines 13-40).

As per claim 21:

Hirota et al. and Orcutt substantially teach the accessing device according to claim 13. Furthermore, Hirota et al. teach wherein the file system controller specifies only discrete value only for the size of area that can be specified for setting the size of each area of information recording medium (col. 13, lines 24-44).

As per claim 22:

Hirota et al. and Orcutt substantially teach the accessing device according to claim 13. Furthermore, Hirota et al. teach wherein the file system controller sets the area size to be specified for setting each area of the information recording medium to be larger than the total size of bad blocks which is calculated by the entire size of the information recording medium or the size of each area in the information recording medium and a rate of good blocks (col. 13, lines 24-47).

**References Cited, Not Used*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US Pub. No. 2003/0163449
2. US Patent No. 6,119,118

The above references have been cited because they are relevant due to the manner in which the invention has been claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Nadia Khoshnoodi/
Examiner, Art Unit 2437
11/4/2009

NK

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437